

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

EXITEXCHANGE CORP., a Texas  
corporation

Plaintiff,

vs.

KAYAK SOFTWARE CORPORATION, a  
Delaware corporation

Defendant.

Civil Action No.: 2:13-cv-00397-JRG  
Consolidated into

Civil Action No.: 2:13-cv-00396-JRG

**JURY TRIAL DEMANDED**

**MOTION TO DISMISS WITH PREJUDICE  
DEFENDANT KAYAK SOFTWARE CORPORATION**

Plaintiff ExitExchange Corp. (“ExitExchange”) and defendant KAYAK Software Corporation (“referred to as KAYAK”), stipulate that they resolved their dispute, ExitExchange and KAYAK, through their respective attorneys, further stipulate as follows:

1. This Court has personal jurisdiction over ExitExchange and KAYAK, and over the subject matter of this action.
2. Each claim made and that could have been made by ExitExchange against KAYAK, and each counterclaim made and that could have been made by KAYAK against ExitExchange, in this action is hereby dismissed with prejudice pursuant to Fed. R. Civ. P. 41.
3. Each party shall bear its own costs and attorneys’ fees.
4. ExitExchange’s claims against the other defendants in this action shall remain pending.
5. The Court shall retain jurisdiction over this matter to insure that the terms and conditions of the parties’ settlement agreement are honored and enforced.

AGREED TO AND ACCEPTED BY:

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*Counsel for KAYAK Software Corporation*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 7th day of May, 2014, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ John M. Jackson  
John M. Jackson